

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Agr 1200 COMMERCIAL FEEDS

PART Agr 1201 DEFINITIONS - RESERVED

PART Agr 1202 COMMERCIAL FEEDS

Agr 1202.01 Names, Terms, and Exemptions.

(a) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Official Publication of the Association of American Feed Control Officials (AAFCO).

(b) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the Official Publication of the AAFCO.

(c) The following commodities shall be declared exempt from the definition of commercial feed, when unground and when not intermixed or mixed with other materials, under the provisions of RSA 435:19(IV), provided that these commodities are not adulterated within the meaning of RSA 435:23:

- (1) Raw meat;
- (2) Hay;
- (3) Straw;
- (4) Stover;
- (5) Silages;
- (6) Cobs;
- (7) Husks; and
- (8) Hulls.

Agr 1202.02 Label Format.

(a) Commercial feed, other than customer-formula feed, shall be labeled with the following information on the principal display panel of the product and in the following format:

- (1) Product name and brand name, if any, as stipulated in Agr 1202.03(a);
- (2) If a drug is used, label as stipulated in Agr 1202.03(b);

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(3) Purpose statement as stipulated in Agr 1202.03(c);

(4) Guaranteed analysis as stipulated in Agr 1202.03(d) and (e) (1) through (10) and in Agr 1202.04;

(5) Feed ingredients as stipulated in Agr 1202.03(f);

(6) Directions for use and precautionary statements as stipulated in Agr 1202.03(g);

(7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed as stipulated in Agr 1202.03(h); and

(8) Quantity statement.

(b) The information required in Agr 1202.02(a)(1) through (5) and (7) through (8) shall appear in its entirety on one side of the label or on one side of the container.

(c) The information required by Agr 1202.02(a)(6) shall be displayed in a prominent place on the label or container and not necessarily on the same side as the other information specified in (a).

(d) When the information required by Agr 1202.02(a)(6) is placed on a different side of the label or container, it shall be referenced on the front side with a statement such as "See back of label for directions for use."

(e) None of the information required by Agr 1202.02(a) shall be subordinated or obscured by other statements or designs.

(f) Customer-formula feed shall be accompanied by labels, invoice, delivery ticket, or other shipping document which bear the following information:

(1) The name and address of the manufacturer;

(2) The name and address of the purchaser;

(3) The date of the sale or delivery;

(4) The customer-formula feed name and brand name if any;

(5) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture;

(6) The direction for use and precautionary statements as required by Agr 1202.07 and Agr 1202.08; and

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(7) If a drug containing product is used:

- a. The purpose of the medication in a claim statement; and
- b. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Agr 1202.04(d).

Agr 1202.03 Label Information. Commercial feed, other than customer-formula feed, shall be labeled with the information , and pursuant to the requirements, specified below:

(a) Product name and brand name if any, as specified below:

- (1) The brand or product name shall be appropriate for the intended use of the feed and shall not be misleading. If the name indicates the feed is made for a specific use, the character of the feed shall conform therewith;
- (2) A commercial feed labeled for a particular animal class shall be suitable for that purpose;
- (3) Commercial, registered brand or trade names shall not be permitted in guarantees or ingredient listings and shall appear only in the product name of feeds produced by or for the firm holding the rights to such a name;
- (4) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name. However, if any ingredient or combination of ingredients are intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading;
- (5) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen;
- (6) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it might not explicitly modify the percentage with the word "protein". However, other percentage values shall be permitted if they are followed by the proper description. Numbers shall not be used in such a manner as to be misleading or confusing to the customer;
- (7) Single ingredient feeds shall have a product name in accordance with the

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designated definition of feed ingredients as recognized by AAFCO;

(8) The word "vitamin," or a contraction thereof, or any word suggesting vitamin shall be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Agr 1202.04(c).

(9) The term "mineralized" shall not be used in the name of a feed except for "trace mineralized salt". When so used, the product shall contain amounts of trace minerals which are recognized as essential for animal nutrition.

(10) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

(b) If a drug is used, labels shall be as specified below:

(1) The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name;

(2) A purpose statement shall be as required in Agr 1202.03(c);

(3) The purpose of a medication shall be stated in a claim statement; and

(4) An active ingredient statement shall list the active drug ingredients by their established name and the amounts in accordance with Agr 1202.04(d).

(c) A purpose statement, as specified below:

(1) The statement of purpose shall contain the specific species and animal classes for which the feed is intended as specified in Agr 1202.03 (e)(1)through(11);

(2) The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, species and purpose while being consistent with the category of animal class specified in Agr 1202.03(e)(1) through (11) which may include, but is not limited to weight ranges, sex, or ages of the animals for which the feed is manufactured;

(3) The purpose statement may be excluded from the label if the product name includes a description of the species and animal classes for which the product is intended;

(4) The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the nutrients contained in the premix are guaranteed and sufficient for formulation into various

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animal species feeds and premix specifications are provided by the end user of the premix;

(5) The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species, and state "For Further Manufacture of Feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds;

(6) The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner.

(d) When guarantees are stated on labels for crude protein, equivalent crude protein from non-protein nitrogen, amino acids, crude fat, crude fiber, acid detergent fiber, calcium, phosphorus, salt and sodium statement shall be the sequence of nutritional guarantees.

(e) Other guarantees on labels shall follow in a general format such that the units of measure used to express guarantees including but not limited to percentage, parts per million, international units. are listed in a sequence that provides a consistent grouping of the units of measure.

(f) Required guarantees for swine formula feeds shall be as follows:

(1) Animal classes for swine shall be as follows:

- a. Pre-starter - 2 to 11 pounds;
- b. Starter - 11 to 44 pounds;
- c. Grower - 44 to 110 pounds;
- d. Finisher - 110 to 242 pounds, market;
- e. Gilts, sows and adult boars; and
- f. Lactating gilts and sows;

(2) Guaranteed analysis for swine complete feeds and supplements of all animal classes shall be as follows:

- a. Minimum percentage of crude protein;
- b. Minimum percentage of lysine;
- c. Minimum percentage of crude fat;

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- d. Maximum percentage of crude fiber;
- e. Minimum and maximum percentage of calcium;
- f. Minimum percentage of phosphorus;
- g. Minimum and maximum percentage of salt, if added;
- h. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.
- i. Minimum selenium in parts per million (ppm); and
- j. Minimum zinc in parts per million (ppm);

(g) Required guarantees for poultry formula feeds including broilers, layers and turkeys shall be as follows:

(1) Animal classes for poultry shall be as follows:

a. Layer - chickens that are grown to produce eggs for food, such as table eggs and shall include the following classes:

- 1. Starting/growing - from day of hatch to approximately 10 weeks of age;
- 2. Finisher - from approximately 10 weeks of age to time first egg is produced which is approximately 20 weeks of age;
- 3. Laying - from time first egg is laid throughout the time of egg production; and
- 4. Breeders - chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs, from time first egg is laid throughout their productive cycle;

b. Broilers - chickens that are grown for human food and shall include the following classes:

- 1. Starting/growing - from day of hatch to approximately 5 weeks of age;

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2. Finisher - From approximately 5 weeks of age to market, which is 42 to 52 days; and

3. Breeders - hybrid strains of chicken whose offspring are broilers, any age and either sex;

c. Broilers, breeders - chickens whose offspring are broilers and shall include the following classes:

1. Starting/growing - from day of hatch until approximately 10 weeks of age;

2. Finishing - from approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age; and

3. Laying - fertile egg producing chickens, from day of first egg throughout the time fertile eggs are produced;

d. Turkeys shall include the following classes:

1. Starting/growing - turkeys that are grown for human food from day of hatch to approximately 13 weeks of age for females and 16 weeks of age for males;

2. Finisher - turkeys that are grown for human food, females from approximately 13 weeks of age to approximately 17 weeks of age and males from 16 weeks of age to 20 weeks of age or desired market weight;

3. Laying - Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs; and

4. Breeder - turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced, which is approximately 30 weeks of age, both sexes;

(2) Guaranteed analysis for poultry complete feeds and supplements for all animal classes shall be as follows:

a. Minimum percentage of crude protein;

b. Minimum percentage of lysine;

c. Minimum percentage of methionine;



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- d. Minimum percentage of crude fat;
- e. Maximum percentage of crude fiber;
- f. Minimum and maximum percentage of calcium;
- g. Minimum percentage of phosphorus;
- h. Minimum and maximum percentage of salt, if added; and
- i. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

(h) Required guarantees for beef cattle formula feeds shall be as follows:

(1) Animal classes for beef cattle shall be as follows:

- a. Calves, birth to weaning;
- b. Cattle on pasture which may be specific as to production stage, such as but not limited to stocker, feeder, replacement heifers, brood cows, bulls; and
- c. Feedlot cattle;

(2) Guaranteed analysis for beef complete feeds and supplements for all animal classes shall be as follows:

- a. Minimum percentage of crude protein;
- b. Maximum percentage of equivalent crude protein from non-protein nitrogen when added;
- c. Minimum percentage of crude fat;
- d. Maximum percentage of crude fiber;
- e. Minimum and maximum percentage of calcium;
- f. Minimum percentage of phosphorus;
- g. Minimum and maximum percentage of salt, if added;
- h. Minimum and maximum percentage of total sodium shall be guaranteed

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only when total sodium exceeds that furnished by the maximum salt guarantee;

i. Minimum percentage of potassium; and

j. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added;

(3) Guaranteed analysis for beef mineral feeds, if added shall be as follows:

a. Minimum and maximum percentage of calcium;

b. Minimum percentage of phosphorus;

c. Minimum and maximum percentage of salt;

d. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

e. Minimum percentage of magnesium;

f. Minimum percentage of potassium;

g. Minimum copper in parts per million (ppm);

h. Minimum selenium in parts per million (ppm);

i. Minimum zinc in parts per million (ppm); and

j. Minimum vitamin A, other than precursors of vitamin A, in international units per pound;

(i) Required guarantees for dairy formula feeds shall be as follows:

(1) Animal classes for dairy shall be as follows:

a. Veal milk replacer - milk replacer to be fed for veal production;

b. Herd milk replacer - milk replacer to be fed for herd replacement calves;

c. Starter - approximately 3 days to 3 months;

d. Growing heifers, bulls and dairy beef:

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1. Grower 1 - 3 months to 12 months of age; and
  2. Grower 2 - more than 12 months of age;
    - e. Lactating dairy cattle; and
    - f. Non-lactating dairy cattle;
- (2) Guaranteed analysis for veal and herd replacement milk replacer shall be as follows:
- a. Minimum percentage crude protein;
  - b. Minimum percentage crude fat;
  - c. Maximum percentage crude fiber;
  - d. Minimum and maximum percentage calcium;
  - e. Minimum percentage of phosphorus; and
  - f. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added;
- (3) Guaranteed analysis for dairy cattle complete feeds and supplements shall be as follows:
- a. Minimum percentage of crude protein;
  - b. Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;
  - c. Minimum percentage of crude fat;
  - d. Maximum percentage of crude fiber;
  - e. Maximum percentage of acid detergent fiber (ADF);
  - f. Minimum and maximum percentage of calcium;
  - g. Minimum percentage of phosphorus;
  - h. Minimum selenium in parts per million (ppm); and

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- i. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added;

(4) Required guaranteed analysis for dairy mixing and pasture mineral shall be as follows:

- a. Minimum and maximum percentage of calcium;
- b. Minimum percentage of phosphorus;
- c. Minimum and maximum percentage of salt;
- d. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- e. Minimum percentage of magnesium;
- f. Minimum percentage of potassium;
- g. Minimum selenium in parts per million (ppm); and
- h. Minimum vitamin A, other than the precursors of vitamin A, in international units per pound;

(j) Required guarantees for equine formula feeds shall be as follows:

(1) Animal classes for equines shall be as follows:

- a. Foal;
- b. Mare;
- c. Breeding; and
- d. Maintenance;

(2) Guaranteed analysis for equine complete feeds and supplements for all animal classes shall be as follows:

- a. Minimum percentage of crude protein;
- b. Minimum percentage of crude fat;
- c. Maximum percentage of crude fiber;

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- d. Minimum and maximum percentage of calcium;
- e. Minimum percentage of phosphorus;
- f. Minimum copper in parts per million (ppm);
- g. Minimum selenium in parts per million (ppm);
- h. Minimum zinc in parts per million (ppm); and
- i. Minimum vitamin A, other than the precursors of vitamin A, in international units per pound, if added;

(3) Guaranteed analysis for equine mineral feeds for all animal classes shall be as follows:

- a. Minimum and maximum percentage of calcium;
- b. Minimum percentage of phosphorus;
- c. Minimum and maximum percentage of salt, if added;
- d. Minimum and maximum percentage of sodium shall be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;
- e. Minimum copper in parts per million (ppm);
- f. Minimum selenium in parts per million (ppm);
- g. Minimum zinc in parts per million (ppm); and
- h. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added;

(k) Required guarantees for goat and sheep formula feeds shall be as follows:

(1) Animal classes for goats and sheep shall be as follows:

- a. Starter;
- b. Grower;
- c. Finisher;

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d. Breeder; and

e. Lactating.

(2) Guaranteed analysis for goat and sheep complete feeds and supplements for all animal classes shall be as follows:

a. Minimum percentage of crude protein;

b. Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;

c. Minimum percentage of crude fat;

d. Maximum percentage of crude fiber;

e. Minimum and maximum percentage of calcium;

f. Minimum percentage of phosphorus;

g. Minimum and maximum percentage of salt, if added;

h. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

i. Minimum and maximum copper in parts per million (ppm), if added, or if total copper exceeds 20 ppm;

j. Minimum selenium in parts per million (ppm); and

k. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added.

(l) Required guarantees for duck and geese formula feeds shall be as follows:

(1) Animal classes for ducks shall be as follows:

a. Starter - 0 to 3 weeks of age;

b. Grower - 3 to 6 weeks of age;

c. Finisher - 6 weeks to market;

d. Breeder developer - 8 to 19 weeks of age; and

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e. Breeder - 22 weeks to end of lay;

(2) Animal classes for geese shall be as follows:

a. Starter - 0 to 4 weeks of age;

b. Grower - 4 to 8 weeks of age;

c. Finisher - 8 weeks to market;

d. Breeder developer - 10 to 22 weeks of age; and

e. Breeder - 22 weeks to end of lay;

(3) Guaranteed analysis for duck and geese complete feeds and supplements for all animal classes shall be as follows:

a. Minimum percentage of crude protein;

b. Minimum percentage of crude fat;

c. Maximum percentage of crude fiber;

d. Minimum and maximum percentage of calcium;

e. Minimum percentage of phosphorus;

f. Minimum and maximum percentage of salt, if added; and

g. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

(m) Required guarantees for fish complete feeds and supplements shall be as follows:

(1) Animal species for fish shall be declared in lieu of animal class and shall be as follows:

a. Trout;

b. Catfish; or

c. Species other than trout or catfish; and

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(2) Guaranteed analysis for all fish complete feeds and supplements shall be as follows:

- a. Minimum percentage of crude protein;
- b. Minimum percentage of crude fat;
- c. Maximum percentage of crude fiber; and
- d . Minimum percentage of phosphorus.

(n) Required guarantees for rabbit complete feeds and supplements shall be as follows:

(1) Animal classes for rabbits shall be as follows:

- a. Grower - 4 to 12 weeks of age; or
- b. Breeder - 12 weeks of age and over; and

(2) Guaranteed analysis for rabbit complete feeds and supplements for all animal classes shall be as follows:

- a. Minimum percentage of crude protein;
- b. Minimum percentage of crude fat;
- c. Minimum and maximum percentage of crude fiber. The maximum crude fiber shall not exceed the minimum by more than 5.0 units;
- d. Minimum and maximum percentage of calcium;
- e. Minimum percentage of phosphorus;
- f. Minimum and maximum percentage of salt, if added;
- g. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; and
- h. Minimum vitamin A, other than precursors of vitamin A, in international units per pound, if added.

(o) The required guarantees of grain mixtures with or without molasses and feeds other than those described in Agr 1202.03(e)(1) through (10) shall include the following items, unless



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exempted in Agr 1202.03(e)(11), in the order listed as follows:

- (1) Animal classes and species for which the product is intended; and
- (2) Guaranteed analysis, including:
  - a. Minimum percentage crude protein;
  - b. Maximum or minimum percentage of equivalent crude protein from non-protein nitrogen as required in Agr 1202.04(e);
  - c. Minimum percentage of crude fat;
  - d. Maximum percentage of crude fiber;
  - e. Minerals in formula feeds, to include in the following order:
    1. Minimum and maximum percentages of calcium;
    2. Minimum percentage of phosphorus;
    3. Minimum and maximum percentage of salt, if added;
    4. Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; and
    5. Other minerals;
  - f. Minerals in feed ingredients - as specified by the official definitions of the AAFCO;
  - g. Vitamins in such terms as specified in Agr 1202.04(c);
  - h. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
  - i. Viable lactic acid producing microorganisms for use in silages in terms specified in Agr 1202.04(g); and
  - j. A commercial feed such as but not limited to vitamin/mineral premix, base mix, intended to provide a specialized nutritional source for use in the manufacture of other feeds, shall state its intended purpose and guarantee those nutrients relevant to such stated purpose.

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(p) Exemptions shall be as follows:

- complete  
required
- (1) A mineral guarantee for feed, excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a feed for swine, poultry, fish, and veal and herd milk replacers, shall not be required when:
- a. The feed or feed ingredient is not intended or represented or does not serve as a principal source of that mineral to the animal; or
- b. The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% of total mineral;
- neither
- (2) Guarantees for vitamins shall not be required when the commercial feed is formulated for nor represented in any manner as a vitamin supplement;
- (3) Guarantees for crude protein, crude fat, and crude fiber shall not be required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses;
- (4) Guarantees for microorganisms shall not be required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made; and
- (5) The indication for animal classes and species shall not be required on single ingredient products if the ingredient is not intended, represented, or defined for specific animal classes or species.

(q) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RSA 435:21 (I)(d) and shall be as follows:

- (1) The name of each ingredient as defined in the Official Publication of the AAFCO, common or usual name, where an ingredient is not defined by AAFCO.
- (2) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the AAFCO in lieu of the individual ingredients, provided that:
- a. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label; and

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b. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state; and

(3) The registrant may affix the statement, "Ingredients as registered with the State" in lieu of ingredient list on the label. The list of ingredients shall be on file with the commissioner. This list shall be made available to the feed purchaser upon request.

(r) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Agr 1202.07 and 1202.08 appear elsewhere on the label.

(s) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code. However, the street address may be omitted if it is shown in the current city directory or telephone directory.

(t) Quantity statement.

### Agr 1202.04 Expression of Guarantees.

(a) The guarantees for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber and acid detergent fiber shall be in terms of percentage.

(b) Mineral guarantees shall be as follows:

(1) When the calcium, salt and sodium guarantees are given in the guaranteed analysis such shall be stated and conform to the following:

a. When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage point;

b. When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point; and

c. When the minimum is above 5.0% or greater, the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points;

(2) When stated, guarantees for minimum and maximum total sodium, and salt; minimum potassium, magnesium, sulfur, phosphorus and maximum fluoride shall be in terms of percentage. Other minimum mineral guarantees shall be stated in parts

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per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm or 1% or greater; and

(3) Products labeled with a quantity statement such as tablets, capsules, granules, or liquid may state mineral guarantees in milligrams (mg) per unit consistent with the quantity statement and directions for use.

(c) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and stated in mg/lb or in units consistent with those employed for the quantity statement unless otherwise specified:

(1) Vitamin A, other than precursors of vitamin A, in international units per pound;

(2) Vitamin D-3 in products offered for poultry feeding, in international chick units per pound;

(3) Vitamin D for other uses, in international units per pound;

(4) Vitamin E, in international units per pound;

(5) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may, at the option of the distributor be stated in units per gram instead of units per pound;

(6) Vitamin B-12, in milligrams or micrograms per pound; and

(7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following:

a. Menadione;

b. Riboflavin;

c. D-pantothenic acid;

d. Thiamine;

e. Niacin;

f. Vitamin B-6;

g. Folic acid;

h. Choline;

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- i. Biotin;
- j. Inositol;
- k. P-amino benzoic acid;
- l. Ascorbic acid; and
- m. Carotene.

(d) Guarantees for drugs shall be stated in terms of percent by weight, except as follows:

- (1) Antibiotics present at less than 2,000 grams per ton of total commercial feed shall be stated in grams per ton of commercial feed;
- (2) Antibiotics present at 2,000 or more grams per ton of total commercial feed shall be stated in grams per pound of commercial feed;
- (3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, shall not be required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, 21 CFR 558, wherein, quantitative guarantees shall be required regardless of the level or purpose of the antibiotic; and
- (4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) For ruminants, as follows:

a. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

"Crude protein, minimum, \_\_%. This includes not more than \_\_% equivalent protein from non-protein nitrogen;"

b. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

"Equivalent crude protein from non-protein nitrogen, minimum, \_\_%,"

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c. Ingredient sources of non-protein nitrogen such as urea, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls or other basic non-protein nitrogen ingredients defined by the AAFCO shall be guaranteed as follows:

"Nitrogen, minimum, \_\_%; and

Equivalent crude protein from non-protein nitrogen, minimum, \_\_%."

(2) For non-ruminants, as follows:

a. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

"Crude protein, minimum \_\_%. This includes not more than \_\_% equivalent crude protein which is not nutritionally available to species of animal for which feed is intended."

b. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, shall contain adequate directions for use as a prominent statement, as follows: "WARNING: This feed shall be used only in accordance with directions furnished on the label."

(f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium, when present, the minimum percentage of phosphorus and the maximum percentage of fluorine.

(g) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

(h) Guarantees for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified, such as protease *Bacillus subtilis* 5.5 mg amino acids liberated/min./milligram. If two or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

Agr 1202.05 Suitability.

(a) The nutritional content of commercial feed shall be as purported or is represented to

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possess by its labeling. Such animal feed, its labeling and intended use shall be suitable for the intended purpose of the product.

(b) Commercial feeds for swine, poultry, and fish, and milk replacer for veal calves and herd replacement calves, when fed according to directions, shall meet the nutritional requirements established by the committee on Animal Nutrition of the National Research Council of the National Academy of Sciences.

(c) If the nutritional requirements are not met then the following shall take place:

(1) A signed affidavit attesting to the nutritional adequacy of the feed based upon valid scientific evidence;

(2) The affidavit required by (c)(1) above shall be submitted to the commissioner upon request, certifying the feed sponsor has valid scientific knowledge which assures suitability of the nutritional content of the feed product. The affidavit shall be submitted to the commissioner only when suitability of the product is challenged;

(3) Submission of a completed "affidavit of suitability" shall serve as proof of suitability and therefore the feed sponsor shall not be required to provide scientific information nor any reference thereto unless the commissioner has reason to believe that such product is not suitable for its intended use. In such case the commissioner shall conduct a hearing pursuant to Agr 204 requiring the feed sponsor to produce sufficient scientific and other evidence of the product's suitability; and

(4) The affidavit of suitability shall contain the following information:

a. The feed company's name;

b. The feed's product name;

c. The name and title of the affiant submitting the document;

d. The statement that the affiant has knowledge of the nutritional content of the listed feed product and is familiar with the nutritional requirements for the animal species and animal classes for which the product is intended as established by the National Research Council of the National Academy of Science;

e. The statement that the affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal classes for which the feed is intended;

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f. The date of submission; and

g. The signature of the affiant notarized by a certified notary public.

Agr 1202.06 Ingredients.

(a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of AAFCO, the common or usual name, where an ingredient is not defined by AAFCO.

(b) The name of each ingredient shall be shown in letters or type of the same size.

(c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(d) The term "dehydrated" may precede the name of any product that has been artificially dried.

(e) A single ingredient product defined by the AAFCO shall not be required to have an ingredient statement.

(f) Tentative definitions for ingredients shall be used until adopted as official, if no official definition exists or the ingredient has no common accepted name.

(g) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Agr 1202.07 Directions for Use and Precautionary Statements.

(a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives including drugs, special purpose additives, or non-nutritive additives shall:

(1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(2) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(b) Adequate directions for use and precautionary statements shall be required for feeds containing non-protein nitrogen as specified in Agr 1202.08.

(c) Adequate directions for use and precautionary statements necessary for safe and effective use shall be required on commercial feeds distributed to supply particular dietary needs or for



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supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

Agr 1202.08 Non-Protein Nitrogen.

(a) Urea and other non-protein nitrogen products defined in the Official Publication of the AAFCO shall be acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein.

(b) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED."

(c) The directions for use and the caution statement shall be in type of such size so placed on the label that they may be read and understood by ordinary persons under customary conditions of purchase and use.

(d) Non-protein nitrogen defined in the Official Publication of the AAFCO, when so indicated, shall be acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.

(e) On labels such as those for medicated feeds which bear adequate feed directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Agr 1202.09 Drug and Feed Additives.

(a) Prior to approval of a registration application and/or approval of a label for commercial feed which contains additives including drugs, other special purpose additives or non-nutritive additives, the distributor shall be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(b) The commissioner shall make the request to submit evidence as above in (a), when an application does not clarify the safety and effectiveness of a commercial feed.

(c) Satisfactory evidence of safety and efficacy of a commercial feed shall be:

(1) When the commercial feed contains such additives, the use of which conforms

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to the requirements of the applicable regulation in the Code of Federal Regulations,  
Title 21, or which are generally recognized as safe (GRAS) for such use;

(2) When the commercial feed is itself a drug as defined in 435:19 VII and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b);

(3) When one of the purposes for feeding a commercial feed is to impart immunity, that is to act through some immunological process, the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended;

(4) When the commercial feed is a direct fed microbial product and:

a. The product meets the particular fermentation product definition;  
b. The microbial content statement, as expressed in the labeling, is limited to the following: "Contains a source of live or viable naturally occurring microorganisms;" and

c. The source is stated with a corresponding guarantee expressed in accordance with Agr 1202.04(h); or

(5) When the commercial feed is an enzyme product and:

a. The product meets the particular enzyme definition defined by the AAFCO;  
and

b. The enzyme is stated with a corresponding guarantee expressed in accordance with Agr 1202.04(h).

Agr 1202.10 Adulterants.

(a) For the purpose of RSA 435:23, I(a) the terms "poisonous or deleterious substances" shall include but shall not be limited to the following:

(1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds:

a. 0.20% for breeding and dairy cattle;

b. 0.30% for slaughter cattle;

c. 0.30% for sheep;

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- d. 0.35% for lambs;
- e. 0.45% for swine; and
- f. 0.60% for poultry.

(2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration, exclusive of roughage, above the following amounts:

- a. 0.004% for breeding and dairy cattle;
- b. 0.009% for slaughter cattle;
- c. 0.006% for sheep;
- d. 0.01% for lambs;
- e. 0.015% for swine; and
- f. 0.03% for poultry.

(3) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage with or without limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(4) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(5) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1, thiamine.

(b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than 4 viable prohibited weed seeds per pound and not more than 100 viable restricted weed seeds per pound.

(c) The prohibited and restricted weed seeds shall be those named as such pursuant to Agr 2200 and Agr 2202.

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Agr 1202.11 Good Manufacturing Practices.

- (a) Under the authority provided by RSA 435:23, IV, the following shall apply:
- (1) The regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR 225.1-.202; and
  - (2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR 226.1-.115.

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**Adopt Agr 1203, previously effective 10-15-92 (Document #5488) and expired 10-15-98,  
to read as follows:**

PART Agr 1203 PET FOODS

Agr 1203.01 Definitions and Terms.

- (a) "All life stages" means gestation/lactation, growth, and adult maintenance life stages.
- (b) "Immediate container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.
- (c) "Ingredient statements" means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.
- (d) "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.
- (e) "Quantity statement" means the net weight, net volume or count.

Agr 1203.02 Label Format and Labeling.

- (a) The quantity statement and product name shall be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.
- (b) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order unless otherwise specified in Agr 1200:
  - (1) Crude protein stated as minimum percentage;
  - (2) Crude fat stated as minimum percentage;
  - (3) Crude fiber stated as maximum percentage;
  - (4) Moisture stated as maximum percentage; and
  - (5) Additional guarantees shall follow moisture.
- (c) The label of a pet food shall specify the name and address of either the manufacturer, packer, or distributor of the pet food. The statement of the place of business shall include the street address, city, state, and zip code. However, the street address may be omitted if such street address

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is shown in a current city directory or telephone directory for the city listed on the label.

(d) If a person manufactures, packages, or distributes a pet food in a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

(e) A vignette, graphic or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(f) The use of the word "proven" in connection with label claims for a pet food shall be prohibited unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

(g) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

(h) Personal or commercial endorsements shall be permitted on pet food labels where said endorsements are factual and not otherwise misleading.

(i) When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information shall appear on such outside container or wrapper.

(j) The words "dog food," "cat food" or similar designations shall appear conspicuously upon the principal display panels of the pet food labels.

(k) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

(1) Contains ingredients in quantities sufficient to meet the nutrient requirements for all life stages established by the AAFCO Dog or Cat Nutrient Profiles; or

(2) Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment in accordance with the testing procedures established by AAFCO, meets the criteria of such testing procedures for all life stages.

(l) Labels for products which are compounded for or which are suitable for only a particular purpose such as but not limited to a product designed for the feeding of puppies, shall contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

(1) In conjunction with a statement of a limited purpose for which the product is

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intended or suitable, such representations and such qualifications therefore shall be juxtaposed on the same panel and in the same size, style and color print; and

(2) Qualified representations, such as a statement of limited purpose for which the product is intended or suitable shall appear on pet food labels only if:

a. The pet food contains ingredients in quantities sufficient to meet the nutrient requirements established by the AAFCO Dog or Cat Nutrient Profiles, for such limited or qualified purpose; or

b. The pet food product contains a combination of ingredients which when fed for such limited purpose shall satisfy the nutrient requirements for such limited purpose and shall have had its capabilities in this regard demonstrated by testing.

(m) Except as specified by Agr 1203.03(a), the name of any ingredient which appears on the label other than in the product name shall:

(1) Not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact;

(2) Constitute at least 3% of the total ingredients exclusive of water sufficient for processing when preceded by the designation "with" or like term;

(3) Be in the same size, style and color print; and

(4) If the names of more than one such ingredient are shown, appear in the order of their respective predominance by weight in the product.

(n) The label of a dog or cat food, other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under Agr 1203.02(k), shall bear, on either the principal display panel or the information panel, as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively, in type of a size reasonably related to the largest type on the panel, a statement of nutritional adequacy or purpose of the product.

(o) Such statement required by Agr 1203.02(n), shall consist of one of the following:

(1) A claim that the pet food meets the requirements of one or more of the recognized categories of nutritional adequacy as follows:

a. Gestation;

b. Lactation;

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c. Growth;

d. Maintenance; and

e. Complete for all life stages, as those categories are set forth in Agr 1203.02(l) and (m);

(2) The claim as in (o)(1) above shall be stated as one of the following:

“ This product is formulated to meet the nutritional levels established by the AAFCO Dog or Cat Food Nutrient Profiles for the pet’s specific stage or stages of life such as gestation, lactation, growth, maintenance or the words "all life stages."

“ Animal feeding tests using AAFCO procedures substantiate that this product provides complete and balanced nutrition for the pet’s specific stage or stages of life such as gestation, lactation, growth, maintenance or the words "all life stages";”

(3) A nutrition or dietary claim for purposes other than those listed in Agr 1203.02(l) and (m) if the claim is scientifically substantiated;

(4) The statement: "this product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of Agr 1203.02(l) and (m) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding; or

(5) The statement: "use only as directed by your veterinarian," if it is a pet food product intended for use by, or under the supervision or direction of a veterinarian and shall make a statement in accordance with Agr 1203.02(o)(1) or Agr 1203.02(o)(3).

(p) The use of claims on pet food labels stating improvement or newness shall be substantiated by the manufacturer and limited to 6 months production. The use of claims stating preference or comparative attribute claims shall be substantiated by the manufacturer and limited to one year production after which the claim must be removed or resubstantiated.

(q) Dog and cat foods labeled as complete and balanced for any or all life’s stages as provided in Agr 1203.02(o)(1) except those pet foods labeled in accordance with Agr 1203.02(o)(4) shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum state the amount and frequency of feeding based on the weight of the dog or cat.

(r) A signed affidavit attesting that the product meets the requisites of Agr 1203.02(l) or (m) shall be submitted to the commissioner when it is unclear that the requisites of (1) or (m) have or



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have not been met.

Agr 1203.03 Brand and Product Names.

(a) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method, or is one the presence of which provides a characteristic distinguishable by the pet.

(b) Any flavor designation on a pet food label shall either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word "flavor" shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient terms from which the flavor designation is derived.

(c) Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, when it is unclear that the requisites of Agr 1203.03 (a) and (b) have or have not been met, supply verification of the designated or claimed flavor to the commissioner.

(d) The designation "100%" or "all" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, dyes or substances used as decharacterizing agents such as but not limited to those used with eggs to indicate that the product is not intended for human food, and trace amounts of preservatives and condiments shall not be considered ingredients.

(e) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats.

(f) The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by Agr 1203.03 (a), (h) or (i);

(g) Notwithstanding Agr 1203.03(f), the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof;

(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, or

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### (3) It is not otherwise false or misleading.

(h) When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredients may form a part of the product name of the pet food. However, where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredients. However, such named ingredients shall constitute at least 70% of the total product.

(i) When an ingredient or a combination of ingredients constitutes at least 25% but less than 95% of the total weight of all ingredients of a dog or cat food mixture, the names of such ingredients may form a part of the product name of the pet food if each of the ingredients constitute at least 3% of the product weight excluding water used for processing and the product name also includes a primary descriptive term such as "dinner", "platter", or similar designation so that the product name describes the contents of the product such that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style, and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredients. However, such named ingredients shall constitute at least 10% of the total product.

(j) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with Agr 1203.03 (a), (d), (e) or (f).

#### Agr 1203.04 Expression of Guarantees.

(a) The sliding scale method of expressing a guaranteed analysis which is a method of expressing a guaranteed analysis as a percentage range shall be prohibited.

(b) Pursuant to RSA 435:21 I(c), the label of a pet food which is formulated as and represented to be a mineral supplement, shall include in the guaranteed analysis the minimum and maximum percentages of calcium, the minimum percentage of phosphorus and the minimum and maximum percentages of salt. The minimum content of all other essential nutrient elements recognized by the AAFCO Dog or Cat Food Nutrient Profile from sources declared in the ingredient statement shall be expressed as the element in units specified in the recognized nutrient profile. Products labeled as per Agr 1203.02(b) may express the mineral guarantees in milligrams(mg) per unit such as, but not limited to tablets, capsules, granules, or liquids consistent with those employed in the quantity statement and directions for use. Liquids expressed as volume shall also list a weight equivalent such as 1 fl.oz.=28 grams.

(c) Vitamins guaranteed on pet food labels shall be stated in International Units per kilogram (IU/kg) for vitamins A, D, and E. All other vitamins shall be stated in milligrams per kilogram (mg/kg) except vitamin B12 which may be guaranteed in micrograms per kilogram (ug/kg).

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(d) The label of a pet food which is formulated as and represented to be a vitamin supplement shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Vitamin guarantees shall be expressed as per Agr 1203.04(c). Products labeled as per Agr 1203.02(b) may express the vitamin guarantees in approved units such as, but not limited to IU, mg, and g per unit of tablets, capsules, granules, or liquids consistent with those employed in the quantity statement and directions for use. Liquids expressed as volume shall also list a weight equivalent such as 1fl.oz.=28 grams.

(e) The use of percentages or words of similar import when referring to nutrient levels established by the AAFCO Dog or Cat Food Nutrient Profiles shall not be permitted on pet food labels, except that such direct comparisons in whole or part of the individual nutrient contents of a pet food with those recommended by the recognized nutrient profile may be made where:

(1) The comparisons are expressed in the same quantitative units as those used by the cited nutrient profile;

(2) The product in question meets the nutrient profile recommended by the authority; and

(3) The comparison is preceded by a statement to that effect.

(f) Guarantees for crude protein, crude fat, and crude fiber are not required when the pet food is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as mineral or vitamin supplements.

### Agr 1203.05 Ingredients.

(a) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78.00%.

(b) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement shall be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms shall be deemed to be misleading.

(c) Any ingredient for which the AAFCO has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient.

(d) Brand or trade names shall not be used in the ingredient statement.

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(e) The term "dehydrated" may precede the name of any ingredient in the ingredients list that has been artificially dried.

(f) A reference to the quality, nature, form or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.

(g) Notwithstanding (f) above no reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

### Agr 1203.06 Drugs and Pet Food Additives.

(a) An artificial color shall be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.

(b) Prior to approval of a registration application and/or approval of a label for pet food, which contains additives such as, but not limited to drugs, other special purpose additives or non-nutritive additives, the distributor may be required based upon information available to the department, to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label.

(c) Satisfactory evidence of the safety and efficacy of a pet food shall be:

(1) When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21 or which are or "generally recognized as safe" for such use; or

(2) When the pet food itself is a drug as defined in RSA 435:19 VII and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C.360(b).

Agr 1203.07 Statements of Calorie Content. Except as required in Agr 1203.08, the label of a dog or cat food may bear a statement of calorie content, provided:

(a) The statement shall be separate and distinct from the "guaranteed analysis" and shall appear under the heading "calorie content";

(b) The statement shall be measured in terms of metabolizable energy (ME) on as fed basis and shall be expressed as "kilocalories per kilogram" ("kcal/kg") of product, and may also be expressed as kilocalories per familiar household measure such as, but not limited to cans, cups, or

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pounds;

(c) An affidavit shall accompany the request for label review or registration, substantiating that the calorie content was determined by:

(1) Calculation using the "Modified Atwater" formula, as follows:

a. "CP" means the percentage of crude protein as fed, determined by the arithmetic average from proximate analysis of at least four production batches of the product;

b. "CF" means the percentage of crude fat as fed, determined by the arithmetic average from proximate analysis of at least four production batches of the product;

c. "NFE" means the percentage of nitrogen-free extract carbohydrate as fed, calculated by the difference between 100 and the sum of CP, CF and the percentages of crude fiber, moisture and ash which shall have been determined in the same manner as CP and CF; and

d. The calculation of the calorie content in terms of ME shall be determined by multiplying 10 times the sum of 3.5 times CP and 8.5 times CF and 3.5 times NFE, as in the formula below:

$$\text{ME(kcal/kg)} = 10[(3.5 \times \text{CP}) + (8.5 \times \text{CF}) + (3.5 \times \text{NFE})]$$

e. The results of all the analyses used in the calculation shall accompany the affidavit, and the claim on the label or other labeling shall be followed parenthetically by the word "calculated;" or

(2) The Minimum Protocol for Use in the Determination of Metabolizable Energy of Dog and Cat Foods testing procedure established by the AAFCO.

(d) The summary data used in the determination of calorie content must accompany the affidavit. The value stated on the label shall not exceed or understate the value determined in accordance with Agr 1203.07(1) by more than 15%.

(e) Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for both products.

Agr 1203.08 Descriptive Terms.

(a) Calorie terms used on labels shall be subject to the following requirements:

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(1) Labels using the term “light” shall comply with the following:

a. Dog food products bearing the terms "light", "lite", "low calorie", or words of similar designation shall contain and state on the label:

1. No more than 3100 kcal ME/kg for products containing less than 20% moisture;

2. No more than 2500 kcal ME/kg for products containing 20% or more but less than 65% moisture;

3. And no more than 900 kcal ME/kg for products containing 65% or more moisture;

4. A calorie content statement in accordance with the format provided in Agr 1203.07; and

5. Feeding directions shall reflect a reduction in calorie intake consistent with the intended use; and

b. Cat food products bearing the terms "light", "lite", "low calorie", or words of similar designation shall contain and state on the label:

1. No more than 3250 kcal ME/kg for products containing less than 20% moisture;

2. No more than 2650 kcal ME/kg for products containing 20% or more but less than 65% moisture;

3. And no more than 950 kcal ME/kg for products containing 65% or more moisture;

4. A calorie content statement in accordance with the format provided in Agr 1203.07; and

5. Feeding directions that reflect a reduction in calorie intake consistent with the intended use; and

(2) Labels using the terms “less” or “reduced calories” shall comply with the following:

a. For dog or cat food product labels bearing a claim of "less calories", "reduced calories", or words of similar designation, the percentage of reduction and the product of comparison shall be explicitly stated and

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juxtaposed with the claim in the same size, style, and color print.

b. The product label shall also bear a calorie content statement in accordance with the format provided in Agr 1203.07.

c. Comparisons between products in different categories of moisture content less than 20%, 20% or more but less than 65%, and 65% or more shall be deemed misleading.

d. Feeding directions shall reflect a reduction in calories compared to feeding directions for the product of comparison.

(b) Fat terms used on labels shall be subject to the following requirements regarding the use of the word "lean":

(1) Dog food product labels bearing the terms "lean", "low fat", or words of similar designation shall contain and guarantee on the label:

a. No more than 9% crude fat for products containing less than 20% moisture;

b. No more than 7% crude fat for products containing 20% or more but less than 65% moisture;

c. And no more than 4% crude fat for products containing 65% or more moisture; and

d. A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Agr 1203.02(c).

(2) Cat food product labels bearing the terms "lean", "low fat", or words of similar designation shall contain and guarantee on the label:

a. No more than 10% crude fat for products containing less than 20% moisture;

b. No more than 8% crude fat for products containing 20% or more but less than 65% moisture;

c. And no more than 5% crude fat for products containing 65% or more moisture; and

d. A maximum crude fat guarantee immediately following the

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minimum crude fat guarantee in addition to the mandatory guaranteed  
analysis information as specified in Agr 1203.02(b).

(3) Labels using the terms “less” or “reduced fat” shall comply with the following:

a. For dog or cat food labels bearing a claim of "less fat", "reduced fat", or words of similar designation, the percentage of reduction and the product of comparison shall be explicitly stated and juxtaposed with the claim in the same size, style, and color print.

b. The product label shall also bear a maximumn crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Agr 1203.02(b).

c. Comparisons between products in different categories of moisture content less than 20%, 20% or more but less than 65%, and 65% or more shall be deemed misleading.